

November 12, 2015



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, September 2, 2015 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Thomas Hughes, Chairman  
John N. Fischer, Jr., Vice Chairman  
William Boicourt (Absent)  
Michael Sullivan  
Paul Spies (Absent)

Staff:

Mary Kay Verdery, Planning Officer  
Jeremy Rothwell, Planner I  
Mike Mertaugh, Assistant County Engineer  
Elisa Deflaux, Environmental Planner and  
Recording Secretary

**1. Call to Order**—Commissioner Hughes called the meeting to order at 9:00 a.m.

Commissioner Hughes stated that two of the Commission members were absent, three positive votes were needed for approval. If any applicant chooses they can postpone without penalty until the next month. All applicants chose to move forward.

**2. Decision Summary Review**—August 5, 2015—The Commission noted the following corrections to the draft decision summary:

- a. Line 196, correct to read Shoreline Development Buffer
- b. Line 213, correct to read: “Commissioner Boicourt stated the primary concern is the Critical Area. We are looking at the 1.7 acre property, with the bulk and size of the proposal, we are not allowed to talk about the specifics of this case, correct? Mr. Rothwell stated that if it deals with whether the house can be arranged to accommodate development outside the buffer, it is within the Commission’s purview.”
- c. Line 251, correct to read: “...represents a better case and better retention of agricultural land.”
- d. Line 281, change to read: “Commissioner Hughes stated that our current two acre requirement has been partly required by the Health Department in order to allow for a reserve SDA.”
- e. Lines 300, 314 and 319, Commissioner Fischer stated that we should contribute the statements at lines 300, 314 and 319 to the speaker, Mr. Rothwell.
- f. Line 435, change to read: “He feels that does not seem to be a good area for growth but maybe should be an area for limited sewer availability for existing houses and small lots and the Countryside Preservation zone.”
- g. Line 510, At end of sentence, add new sentence. “Per the 2005 Comprehensive Plan the Countryside Preservation zone is to be a permanently preserved area of forest, wetlands, agriculture, etc.”
- h. Line 510, delete “sort of”.
- i. Line 653, change “They do not” to “the trailers would not”.

- j. Line 660, change to read: “Commissioner Fischer stated that the Commission is generally supportive...”

Commissioner Sullivan moved to approve the draft Planning Commission Decision Summary for August 5, 2015, as amended; Commissioner Fischer seconded the motion. The motion carried unanimously.

### **3. Old Business—None.**

### **4. New Business**

- a. Phillips Wharf Environmental Center (PWEC), #549—6129 Tilghman Island Road, Tilghman, MD 21671, (map 44A, parcel 25, zoned Village Center), Elizabeth Fink, Fink, Whitten & Associates, Agent.

Mr. Rothwell presented the staff report of the applicant’s request for an amendment for the Phillips Wharf Environmental Center. They also received a Special Exception from the Board of Appeals in 2014. The Planning Commission granted an amendment in March of 2015 to alter the façade of the structure. Phillips Wharf came to the Department of Planning and Zoning for a Temporary Use Certificate to construct a 24’ x 60’ (1,440 sq. ft.) temporary trailer for the purpose of providing space for classrooms and exhibits until they receive their certificate of occupancy. We brought this before the Commission as a discussion item and it was deemed to require a major revision to the approved site plan. The week after Planning Commission, Phillips Wharf went to the Board of Appeals as a discussion item, they also felt that this required a modification to their Special Exception. The proposed trailer will be located on an area previously approved as a vehicular parking lot, and will not result in an increase in lot coverage. This will not require additional stormwater management. This trailer will be partially screened from Tilghman Island Road by both the existing tin storage building and 4-5 existing trees. We recommend approval conditioned on PWEC receiving approval of their Special Exception modification. Also, they have asked for three years and six months past phase two. Staff has asked that their approval be altered so that in order to get their certificate of occupancy they would have to remove the trailer. Should the applicant not be able to construct phase one and phase two, they can come back to the Planning Commission for a one time, one year extension. This condition should satisfy the Commission’s and the Board of Appeal’s concerns about the trailer becoming a permanent structure on the site.

Staff recommendations include:

1. The applicant shall obtain a modification to their previously granted Special Exception (Appeal No. 14-1610) from the Board of Appeals.
2. The applicant shall be required to remove the proposed 24’ x 60’ trailer upon the completion of Phase II of construction, and prior to issuance of a certificate of occupancy for said building. If Phase II improvements are not

completed within three years of the date of Board of Appeals approval, the applicant may apply for a one-time one-year extension from the Planning Commission.

3. Any future net increase in areas (beyond those approved in SP-549 on March 4, 2015) classified as “Community and Cultural Facilities” (i.e. classrooms, exhibit space) as defined by the *Talbot County Code* §190-208 shall require a variance from the Board of Appeals.
4. The applicant shall commence construction on the proposed improvements within twelve (12) months from the date of Planning Commission approval.
5. The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.

Elizabeth Fink, Fink, Whitten and Associates, and Kelly Cox appeared before the Commission.

Commissioner Fischer asked if Phillips Wharf has already received funds to complete phase two. Ms. Cox stated they are working on their funding and hoping to finish design, development and construction drawing by year end and hopefully break ground by the second quarter of next year.

Commissioner Hughes asked Ms. Verdery if there had been any other trailer situations in the County, had any schools had trailers? Ms. Verdery said she cannot remember any schools, the Estate at Skipton Creek had a trailer when they started their project. Commissioner Hughes stated he understands that was a construction trailer. He stated it was his understanding if someone brought a waterfront lot and wanted to put a trailer to live in during hunting season that was not allowed. Mr. Rothwell stated that was correct.

Commissioner Fischer asked Ms. Cox if they had considered approaching the school system for the use of Tilghman Island School for their classroom. Ms. Cox stated they had and it was very difficult.

Commissioner Hughes stated there was no one in the audience so there were no public comments.

Ms. Cox questioned if they would be allowed to have the trailer until the end of phase two. Mr. Rothwell stated the condition is that the trailer is allowed until phase two is completed, but the trailer must be removed before the certificate of occupancy can be issued. Ms. Cox understood and agreed.

Commissioner Sullivan moved to approve the major site plan amendment for Phillips Wharf Environmental Center, 6129 Tilghman Island Road, Tilghman, Maryland, for the placement of an educational trailer, provided compliance with all staff recommendations occurs, Commissioner Fischer seconded the motion. The motion carried unanimously.

- 146  
147 b. Phillips Wharf Environmental Center (PWEC), #549—6129 Tilghman Island  
148 Road, Tilghman, MD 21671, (map 44A, parcel 25, zoned Village Center),  
149 Elizabeth Fink, Fink, Whitten & Associates, Agent.  
150

151 Mr. Rothwell stated that the uses proposed in the trailer are classrooms and  
152 exhibit space are considered community and cultural facilities. In the Village  
153 Center zoning district 2,000 square feet are permitted by right. When Phillips  
154 Wharf originally went before the Board of Appeals and the decision that was  
155 rendered by the Board of Appeals classified the proposed structure, the  
156 classrooms and everything, as a fisheries use. That is why we are before the  
157 Commission for a modification for the Special Exception. We need to amend  
158 1,440 square feet of fisheries use from fisheries to classroom.  
159

160 Commissioner Sullivan moved to recommend to the Board of Appeals to approve  
161 the Modification of the existing Special Exception of Phillips Wharf  
162 Environmental Center, 6129 Tilghman Island Road, Tilghman, Maryland,  
163 amending the use from fisheries use to classroom use and exhibits; Commissioner  
164 Fischer seconded the motion. The motion carried unanimously.  
165

- 166 c. Map Amendment for Clearview Properties, #C648—Talbot County, Maryland  
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168 The Clearview properties map amendment is being postponed to the next meeting.  
169

170 **5. Discussions Items**  
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172 **6. Staff Matters**  
173

174 Ms. Verdery updated the Commission regarding the Harbourtowne project. Amended  
175 legislation to address redevelopment has been sent to the County Council based on the  
176 feedback from the Planning Commission and the public comments. Once the Council  
177 makes a decision it will either introduced or there will be a joint worksession.  
178

179 There will be a Special Meeting of the Planning Commission for the Comprehensive Plan  
180 on the 30<sup>th</sup> of September. Comprehensive Plan worksessions with the Council will be the  
181 14<sup>th</sup> at the library and the 21<sup>st</sup> is at the Wye Oak Room. Commissioner Hughes asked the  
182 Public Works Advisory Board to meet with the Commission at the meeting on the 30<sup>th</sup> of  
183 September.  
184

185 **7. WorkSessions**  
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187 **8. Commission Matters**  
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189 **9. Adjournment**—Commissioner Hughes adjourned the meeting at 9:40 a.m.  
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